



## CITY OF MORGAN HILL

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### PLANNING COMMISSION MINUTES

#### REGULAR MEETING

**MAY 9, 2000**

**PRESENT:** Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

**ABSENT:** None

**LATE:** None

**STAFF:** Interim City Manager (ICM) Tewes, Planning Manager (PM) Rowe,  
Senior Engineer (SE) Machida and Administrative Secretary Smith

#### REGULAR MEETING

Chairman Pinion called the meeting to order at 7:00 p.m.

#### DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### PUBLIC COMMENTS

The meeting was opened to public comments.

Bonnie Branco, with the Morgan Hill Unified School District, requested the opportunity to be agendaized to come before the Commission at one of their meetings to discuss the EIR issues prepared for the proposed high school site locations. The Commission was very receptive to addressing their EIR issues, and requested Staff to schedule the item for a future meeting date.

There being no further comments, Chairman Pinion closed the public comments.

#### MINUTES

**APRIL 25, 2000**

**COMMISSIONERS MUELLER/RIDNER MOTIONED TO APPROVE THE APRIL 25, 2000 MEETING MINUTES AS WRITTEN. THE MOTION CARRIED UNANIMOUSLY.**

**MAY 1, 2000**

**COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE THE MAY 1, 2000 MEETING MINUTES. THE MOTION CARRIED ON A VOTE OF 5-0, WITH PINION AND RIDNER ABSENT, WITH THE FOLLOWING AMENDMENT:**

1) Line 4 of Item 1 was amended to read: "Commissioners Lyle, McMahon, and Sullivan and Kennett provided input."

Commissioner Kennett stepped down from the dias at this time in order to avoid a possible conflict of interest regarding item #1 on the agenda.

**OLD BUSINESS:**

**1) ZAA-98-01:  
E. DUNNE-  
MORGAN HILL  
DAY CARE  
CENTER**

A request to amend the Planned Unit Development for a mini-storage and daycare facility located on the southeast corner of the intersection on San Benencio Way and E. Dunne Ave. The proposed amendment is a request to locate a shared monument sign for both uses on E. Dunne Ave. PM Rowe presented background information and pointed out a letter to the Commission dated May 8, 2000 that was received from Mr. Tichinin, legal counsel for the applicant, which outlined the position that he wished to take with respect to the processing of the application. PM Rowe commented that Staff did not agree with Mr. Tichinin's position and interpretation of the provision of the Sign Code where he cites that the Community Development Director has the administrative authority to approve the shared use sign. He reviewed the findings supporting Staff's decision as noted in the resolution of denial, and also stated that Staff believes that this is the correct process, as there is precedence established to consider a shared use sign under PUD zoning where a separate set of sign guidelines and architectural standards are adopted for that PUD. He added that if consideration is to be given to this request as outlined in Mr. Tichinin's letter and the PUD process is not utilized, that Staff feels that it would then be necessary to amend the language in the Sign Ordinance to address this particular instance. PM Rowe then addressed questions from the Commission. He added that Staff would not support the sign as it is proposed and that Staff would want to rework it considerably so that it is more esthetically appropriate for a gateway area.

Chairman Pinion opened the public hearing.

Bruce Tichinin asked the Commission to continue the item again if Staff had not already consulted with the City Attorney regarding this request. PM Rowe stated that the City Attorney had not been consulted and that the position taken was the consensus opinion of Staff and the Community Development Director. Mr. Tichinin then restated his request for a continuance of the item so that Staff may refer his letter to the City Attorney for her interpretation of the correct processing procedure required for the shared use signage. He also added that his client might be willing to modify the sign to meet the suggestions of Staff. Mr. Tichinin answered questions from the Commission.

Commissioner McMahon commented that if the wrong application was applied for, then this application would not have come before the Commission for a decision, so she was inclined to grant Mr. Tichinin his request to continue the item until such time the City

Attorney has had the opportunity to review the interpretation of the Sign Code.

There being no further comments, Chairman Pinion closed the public hearing.

Commissioner Lyle indicated that if the Commission chooses to table the request, and if the majority of the Commission believes that there should not be a sign there, that he would like to request that in lieu of the applicant's request that the Commission modify the PUD with language that says there shall be no additional signage on that property because he feels that more than adequate signage exist at this time. He added that since the PUD is part of the Commission's purview, his request would be to agendize an item for the PUD that will come before the Commission that says no signage.

Commissioner Sullivan stated that she felt that they should go forward with the application presented tonight and modify the PUD to support Commissioner Lyle's request of no additional signage.

Commissioner Ridner stated that he would take it one step further, indicating that if they were to take action based on the recommendation of Staff, it is likely that the applicant could by-pass the Commission if the applicant chose to go directly to the City Council, so there would be no reason for the applicant to come back before the Commission. Chairman Pinion concurred with Commissioner Ridner's comments. He also stated that when the project was originally approved, he recalled that it was a controversial item. He said that the Commission did not want the storage facility to be visible and that they wanted the day care facility to be constructed first and that he suspected they did talk about signage at that time.

Commissioner McMahon clarified that her comments were not reflective of her feelings of whether or not there should be a sign there, but reflective of whether this applicant or future applicants have a proper procedure to follow, and whether the applicant was directed properly in the procedure. She concurred with Commissioner Lyle's ideal, but questioned if it also applied to other applicants and other PUD's, as far as signage is concerned, or whether they are limiting their restriction on signage to this particular PUD, in which case she was not certain that action would be appropriate for the Commission to take at this point.

Commissioner Mueller commented that to his recollection every PUD that is along the Highway 101 Freeway, along East Dunne Avenue and along Condit Road have a sign program and that they were all handled as PUD's with signage comments as part of the PUD. He also pointed out that Section 18.76.250 of the Code referenced in Mr. Tichinin's letter, specifically states that this section of the Code is only applicable to properties within 100 ft. of the Freeway, which this project is not. Commissioner Mueller, therefore, stated that he felt they were fully within their realm to handle this request as part of the PUD, because it would be consistent with how every other application have been processed in this City.

Chairman Pinion pointed out that the PUD was created to control the sequencing of the development of the day care center and the storage facility. He further stated that when the Commission evaluated this project before, it seems to him that it would have

been a granting of special privilege to allow for a shared use sign for the storage facility on the corner and he did not want to extend the sign code where it has not been done before. He stated that what was not clear in his mind was whether or not there is any entitlement to a monument sign which was restricted by the PUD as a condition to granting the development in the first place.

Commissioner Sullivan stated that she would be in favor of denying the requested amendment and that she would also like for Staff to review the PUD minutes to see if signage was discussed, and to determine if signage is outlined in the PUD.

**COMMISSIONERS LYLE/SULLIVAN MOTIONED FOR THE APPROVAL OF RESOLUTION NO. 00-18 TO DENY THE E. DUNNE-MORGAN HILL DAY CARE CENTER ZONING AMENDMENT REQUEST, WITH A RECOMMENDATION FOR DENIAL TO THE CITY COUNCIL.**

Commissioner Mueller commented that he would appreciate the fact that if legal arguments are going to be made, that it be noted that this legal argument has not changed in three weeks. He also stated that the letter presented to the Commission is dated May 8, 2000, which seemed to him to be an inappropriate time for submission if the expectations of the applicant is that they respond in a legal manner. Commissioner Sullivan concurred with Commissioner Mueller's comments.

**THE MOTIONED CARRIED ON A 5-1-1 VOTE AS FOLLOWS: AYES: LYLE, MUELLER, PINION, RIDNER, SULLIVAN; NOES: MCMAHON; ABSENT: KENNETT.**

**AS A SEPARATE ACTION, COMMISSIONER LYLE REQUESTED STAFF TO REVIEW THE ISSUE OF THE CONTENT OF THE PUD WITH RESPECT TO SIGNAGE, WITH THE INTENT OF POTENTIALLY BRINGING AN ITEM BACK BEFORE THE COMMISSION TO EXCLUDE THE ADDITIONAL SIGNAGE. COMMISSIONER RIDNER ADDED TO THE ACTION AND REQUESTED STAFF, WITH RESPECT TO THE COMMENTS EXPRESSED BY COMMISSIONER MCMAHON, TO VERIFY THE PROPER PROCEDURE OF THE OVERALL REVIEW PROCESS. PM ROWE STATED THAT STAFF WOULD INDEED DO THAT REGARDLESS.**

Mr. Tichinin apologized for the lateness of his letter requesting that Staff consult with the City Attorney, stating that there was confusion on his part as to the date of the meeting.

Commissioner Kennett resumed her seat at the dias.

**NEW BUSINESS:**

**2) SD-00-09/**

**DA-00-03: HALE-  
GLENROCK/**

A request for approval of a tentative map for an additional 22 lots to be included within a 66 acre project located on the south side of Tilton Ave., east of Hale Ave, and west of Monterey Rd. in the R-1 12,000 Residential Planned Development zoning

**SHEA HOMES**

district. Also requested is an amendment to the existing development agreement to incorporate the development commitments for the 22 lots being requested at this time. PM Rowe presented the staff report. He recommended that the Commission continue the item to the June 13, 2000 meeting date because the City Council has yet to authorize the use of the FY 2002-03 building allotments, so it would be premature for the Commission to act on the subdivision which would utilize FY 2002-03 allotments. He stated that the Council is scheduled to consider the second year Measure P allocations at their June 7 meeting.

Chairman Pinion opened the public hearing.

There being no comments, the public hearing was closed.

**COMMISSIONERS MUELLER/KENNETT MOTIONED TO CONTINUE THE REQUESTS TO THE JUNE 13, 2000 COMMISSION MEETING DATE. THE MOTION CARRIED UNANIMOUSLY.**

**3) ZA-99-19/  
ANX-99-02:  
MURPHY-  
MARQUEZ**

A request to annex an approximate 2.35-acre site into the City of Morgan Hill, and prezone the property from County A1-25 to City R1-7,000 (single-family medium density). The subject property is located on the east side of Murphy Ave., approximately 564 ft. south of E. Dunne Ave., at 16850 Murphy Ave. PM Rowe presented the staff report, and Staff's recommendation for approval of the Mitigated Negative Declaration, and the adoption of Resolution Nos. 00-23 (prezone) and 00-25 (annexation), with a recommendation to the City Council for approval. The Commission questioned PM Rowe regarding the requests. Commissioner Kennett requested PM Rowe to briefly describe the properties surrounding the project site, as well as the parcel across the street from the project site. Commissioner Ridner asked why the findings and the conditions of approval for the Mitigated Negative Declaration for subject requests and the next agenda item #4, ZA-00-01/ ANX-00-01: E. Dunne-Wong, which are similar requests, have identical findings but have different conditions of approvals. He stated that he did not see anything in the findings that suggest why there would be a difference, and suggested that language be added to the findings to differentiate between the conditions of approval of the Mitigated Negative Declarations for the Murphy-Marquez and the E. Dunne-Wong applications. Chairman Pinion requested that Staff include the complete environmental checklist with all of the findings as part of the staff report in the future.

Commissioner Lyle suggested that Section 5C of Resolution No. 00-23 be amended so that the applicant should coordinate the undergrounding of the overhead utilities with the Church in order that it could be accomplished as one process. PM Rowe stated that language could be included to that extent.

Commissioner Sullivan suggested instead of including the complete environmental checklist in the staff reports, that just a summary statement of the findings be included, as it is generally her preference to have Staff extract the important information rather than her having to sort through numerous pages to find the information. PM Rowe stated that Staff could modify the standard format of the findings and include wording

such as “.....for the following reasons, as mitigated according to the conditions specified in Section 4 below:”

Commissioner Mueller suggested that condition #2 of the Wong request also be added in the conditions of approval for this item, as any agricultural use require that care be exercised.

Chairman Pinion opened the public hearing. There being none, Chairman Pinion closed the public hearing.

**COMMISSIONERS MUELLER/MCMAHON MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION, WITH THE MODIFICATION TO THE FINDINGS SECTION III TO READ: “.... FOR THE FOLLOWING REASONS, AS MITIGATED ACCORDING TO THE CONDITIONS SPECIFIED IN SECTION IV BELOW:”; AND THE ADDITION OF A CONDITION #3 TO SECTION IV TO READ AS FOLLOWS: “PRIOR TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM SUBMITTAL, FURTHER ENVIRONMENTAL ANALYSIS SHALL BE REQUIRED TO IDENTIFY AND MITIGATE ANY EXISTING SOURCES OF POTENTIAL HEALTH HAZARDS RESULTING FROM PREVIOUS AGRICULTURAL USE OF THE SITE.” THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO APPROVE RESOLUTION NO. 00-23 (ZONING AMENDMENT), MODIFYING CONDITION C OF SECTION 5 TO REQUIRE THAT THE APPLICANT SHALL COORDINATE THE UNDERGROUNDING OF THE OVERHEAD UTILITIES ALONG MURPHY WITH THE CHURCH, WITH A RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL. THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO APPROVE RESOLUTION NO. 00-25 (ANNEXATION), WITH A RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL. THE MOTION CARRIED UNANIMOUSLY.**

**4) ZA-00-01/  
ANX-00-01:  
E. DUNNE-  
WONG**

A request to annex an approximate 4.83-acre site into the City of Morgan Hill, and prezone the property from County A1-2.5AC to City R1-7,000 (single-family medium density). The subject property is located on the south side of E. Dunne Ave., at 1630 E. Dunne Ave. PM Rowe presented the staff report, and requested the Commission to adopt the Mitigated Negative Declaration, with modification to the findings to read: “.. as mitigated according to the conditions specified in Section 4 below:”, to approve Resolution Nos. 00-26 (prezone) and 00-27 (annexation), with recommendation to the City Council for approval. PM Rowe answered questions directed from the Commission. Commissioner Lyle suggested that the Mitigated Negative Declaration, Section 4, condition #2, language be amended to read: "Prior to Residential Development Control System submittal" rather than "Prior to development of the site",

further environmental analysis shall be required....". He stated the reason for his request is that there are beginning to be quite a few projects asking for extensions of time for building and if they had to complete any environmental issues ahead of time, it would potentially prevent problems later. PM Rowe stated that the amendment of that language would be acceptable. Commissioner Sullivan suggested, and Commissioner Lyle agreed, that this language should be added as a standard condition to the Mitigated Negative Declarations in the future.

Chairman Pinion opened the public hearing.

There being no comments, the public hearing was closed.

**COMMISSIONERS LYLE/SULLIVAN MOTIONED FOR THE APPROVAL OF THE MITIGATED NEGATIVE DECLARATION, WITH THE MODIFICATION TO THE FINDINGS SECTION III TO READ: "... FOR THE FOLLOWING REASONS, AS MITIGATED ACCORDING TO THE CONDITIONS SPECIFIED IN SECTION IV BELOW:"; AND WITH THE AMENDMENT TO SECTION IV, CONDITION # 2 TO READ: "PRIOR TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM SUBMITTAL DEVELOPMENT OF THE SITE , FURTHER ENVIRONMENTAL ANALYSIS WILL BE REQUIRED....". THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS LYLE/MUELLER MOTIONED FOR THE APPROVAL OF RESOLUTION NO. 00-26 (PREZONE), WITH RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL. THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS LYLE/MCMAHON MOTIONED FOR THE APPROVAL OF RESOLUTION NO. 00-27(ANNEXATION), WITH RECOMMENDATION FOR APPROVAL TO THE CITY COUNCIL. THE MOTION CARRIED UNANIMOUSLY.**

**5) EOT/MMP-00-01:**A request for a 90-day extension of time on a building allotment awarded under the **BERKSHIRE-SINGH** Micro Measure P Competition for Fiscal Year 1999-2000. PM Rowe presented the report and Staff's recommendation for approval of Resolution No. 00-20 granting a 90-day extension of time.

Chairman Pinion opened the public hearing.

There being no comments, the public hearing was closed.

**COMMISSIONERS MUELLER/SULLIVAN MOTIONED FOR THE APPROVAL OF A 90-DAY EXTENSION OF TIME UNDER RESOLUTION NO. 00-20 FOR THE BERKSHIRE-SINGH PROJECT, RECOMMENDING CITY COUNCIL APPROVAL. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Kennett stepped down from the dias due to a possible conflict of

interest.

**6) ELBA-00-03:  
SPRING-  
WELLINGTON/  
SPRING MANOR**

A request for an Exception to the Loss of Building Allocation for 6 building allotments awarded for fiscal year 1999-2000. The six units are part of a larger 21 unit development proposed on a 18 acre parcel located on the south side of Spring Ave., adjacent to the west side of the cemetery in the R-1 12,000 residential planned development zoning district. PM Rowe presented the staff report, providing the Commission with background information on the project, and Staff's recommendation for approval of Resolution No. 00-21 for a one-year extension to the Development Agreement for the exception to loss of building allotments for the 21-unit Measure P Project, with an approval recommendation to the City Council. PM Rowe responded to questions from the Commission.

Commissioner Mueller pointed out an error and omission in the heading of Exhibit "B1" of Resolution No. 00-21. He indicated that the heading should correctly reflect 10 allotments for FY 2000-01 not 16, and the addition of 6 allotments for FY 1999-00. PM Rowe stated that Staff would make the corrections noted.

Chairman Pinion opened the public hearing.

Dustin Bogue, of Wellington Corporation, 275 Tennant Avenue, stated that there has been a number of issues that had come up on the project, including the Williamson Act issue. He stated that the County had issued a letter that granted them the right to pull property from the Williamson Act and that they were ultimately required to pay an additional \$220,000, which required additional feasibility analysis and therefore additional time. He further stated that this additional expense represents a financial commitment to the property on their part and that their intent is for the development schedule to proceed as fast as possible. Mr. Bogue stated that they submitted their development plan and final map in early February, so they have been in the process for quite awhile, due to the backlog of various administrative actions caused by the Measure P process. He stated that they will be submitting the second plan check of the maps shortly and that they have already made numerous corrections to the maps, as well as have had to address some concerns from a neighboring property owner, which resulted in a lot line adjustment being granted to that person. Mr. Bogue stated that they have endeavored to be precise about what is to be expected in terms of creating a nice, safe place to live, and that they have worked closely with the City Staff to develop a quality project. He stated that if a third plan check is not required, they could possibly meet the June 30, 2000 deadline, but that they did not want to chance not meeting the deadline date.

Glen Pace, President of Wellington Corp., addressed Commissioner Lyle's question, stating that the City Council, under hard-ship circumstances, deferred the first payment of the \$220,000 amount required for the property pulled under the Williamson Act until the first building permit is pulled. Mr. Bogue responded to further questions from the Commission, and stated that for precautionary purposes they would like as much time granted for the extension as possible, but that he felt that a six-month extension of time would be sufficient.



Chairman Pinion closed the public hearing.

**COMMISSIONERS LYLE/SULLIVAN MOTIONED THAT SIX MONTHS BE GRANTED FOR THE EXTENSION UNDER RESOLUTION NO. 00-21, RECOMMENDING APPROVAL TO THE CITY COUNCIL, WITH AN AMENDMENT TO SECTION 2 TO REFLECT 6 MONTHS; WITH THE CORRECTION AND MODIFICATION OF THE HEADING OF EXHIBIT "B1" TO REFLECT FY 1999-00, 6 ALLOTMENTS; AND FY 2000-01, 10 ALLOTMENTS; AND WITH AMENDMENT TO EXHIBIT "B1" SECTION V AS FOLLOWS: "OBTAIN BUILDING PERMITS, COMMENCE CONSTRUCTION: FY 1999-00 (6 UNITS) DECEMBER 30, 2000; AND FY 2000-01 (10 UNITS) JUNE 30, 2001. THE MOTION CARRIED ON A VOTE OF 6-0, WITH KENNETT ABSENT.**

Glen Pace added that he felt that the six-month extension was adequate; however, in speaking with Staff that they requested the one-year extension because of the uncertainty of the rains, and the fact that this is hillside property.

Commissioner Kennett returned to her seat at the dias.

**7) ELBA-00-04:  
DEL MONTE-  
DEL MONTE  
ESTATES**

A request for approval of an extension of time to avoid the loss of seven building allocations awarded through the Residential Development Control System (Measure P) for Fiscal Year 1999-2000. The seven building allocations represent Phase I of a 17-unit residential development (13 Measure P units, plus four replacement units) located at Christine Lynn Drive between Del Monte and Hale Avenues. PM Rowe presented the staff report and indicated that the delays associated with the project are a result of permitting delays with the Santa Clara Valley Water District (SCVWD). He also stated that he was advised by the project planner this afternoon that the storm water detention area issue has finally been resolved, so the applicant will now be able to proceed with the approval of the improvement plans, and the recording of the final map. PM Rowe stated Staff's recommendation to the Commission for approval of Resolution No. 00-22, granting the maximum requested time extension of 12 months for the exception to loss of building allocation, with a recommendation to the City Council for approval. The Commission posed questions to PM Rowe.

Chairman Pinion opened the public hearing.

There being no comments, the public hearing was closed.

Commissioner Lyle requested that the extension be granted for 6 months, and pointed out that the applicant only requested 90 days in their letter of request. He also stated that wording indicating that the extended delays to resolve the SCVWD issues should be added under Section 3 of Resolution No. 00-22 to explain the rationale for the request.

**COMMISSIONERS MUELLER/LYLE MOTIONED TO APPROVE A SIX-**

**MONTH EXTENSION UNDER RESOLUTION NO. 00-22, WITH A RECOMMENDATION FOR APPROVAL TO CITY COUNCIL, WITH THE FOLLOWING MODIFICATIONS: 1) THE TITLE AMENDED TO READ: “....APPROVAL OF A ~~6~~ 12 MONTH EXCEPTION....”; 2) PARAGRAPH 3, LINE 3 AMENDED TO READ: “.....FOR A ~~6~~ 12 -MONTH EXTENSION OF TIME FOR.....”; 3) AMEND SECTION 3, LINE 4 TO READ: “....RECOMMENDS A ~~6~~ 12 MONTH EXCEPTION ....”; 4) AMEND SECTION 3, LINE 6 TO READ: “.....JUNE 30, 2000 TO **DECEMBER 30, 2000**~~JUNE 30, 2001~~.”; 5) AMEND SECTION 3 BY ADDING LANGUAGE TO EXPLAIN THAT THE EXTENDED DELAYS TO RESOLVE THE SANTA CLARA VALLEY WATER DISTRICT ISSUES WAS THE RATIONALE FOR THE REQUEST FOR THE EXTENSION OF TIME.; AND 6) MODIFICATION OF EXHIBIT “B” SECTION V DEADLINE DATE TO OBTAIN BUILDING PERMITS AND COMMENCE CONSTRUCTION FOR FY 1999-2000 (PHASE I: 7 UNITS, PLUS 4 REPLACEMENT RENTAL UNITS) TO ~~JUNE 30, 2000~~ **DECEMBER 30, 2000**. THE MOTION CARRIED UNANIMOUSLY.**

**8) ZA-00-02:  
CITY OF MH-  
VESTING  
TENTATIVE  
MAPS/CHAPTER  
17.50 UPDATE**

Amendment to Chapter 17.50 of the Morgan Hill Municipal Code, the Subdivision Ordinance, to establish submittal requirements and conferring vested right provisions on non-residential tentative map approvals. PM Rowe presented the staff report, and reviewed the requested changes. He recommended the approval of Resolution No. No. 00-28 to the Commission, with an approval recommendation to the City Council. PM Rowe responded to questions from the Commission. Commissioner Mueller expressed concern with the timing of the vesting rights, where the City has potentially two years from the approval of the final map before they can apply new standards of which the City has enacted. He stated that his concern is primarily with the PUDs that go on for a long period of time. PM Rowe stated that it is for that reason why additional requirements have been incorporated. Commissioner Lyle commented that it seemed to him that depending on whether or not the project was scaled or an infill project, that some of the conditions may not be required and should be at the discretion of the Community Development Director. PM Rowe stated that he felt that the information required is broad enough where there is sufficient leeway provided, but they may also want to include signage information. Commissioner Ridner suggested consolidating items 6 and 8 and making it a broader category of environmental analysis. Commissioner Mueller stated that he agreed with both the issues raised by Commissioners Lyle and Ridner. Commissioner Kennett stated that based on Commissioner Mueller’s comments of projects going on for 10 or 12 years, that she would like to have as much information as possible provided before the Commission approve vesting rights to properties. Commissioner Mueller stated that his feeling is that as soon as the Commission accept this Subdivision Ordinance into the Code, that they will not see an industrial or commercial project before them that is not a vesting tentative map

Chairman Pinion opened the meeting to public comments.

Dick Oliver, made comments relating to Exhibit “A”, page 3, Item B4, and suggested that the word “conceptual” be inserted before “architectural plans” under Item B4 and

before “landscape plans” under Item B10 because he stated it is almost impossible for full sets of architectural plans or full sets of landscape plans to be prepared definitively at that stage. He felt that it would be very burdensome and wasteful prior to knowing what the conditions of approval are. With respect to the vesting tentative map issue going on for 12 years, he stated that when you go on for 10 or 12 years, that is development agreement language and he was not aware that by filing a vesting tentative map for multiple phases automatically prevents the Commission from requiring a vesting tentative map for each one of those subsequent phases. Mr. Oliver requested Staff to review that information and confirm it with the Commission, as he did not believe that is what the Commission is getting into, and stated that he believed that’s why the State adopted the development agreement language for projects that run 10 or 12 years.

Chairman Pinion closed the public hearing.

The Commission entered into discussion. Commissioner Sullivan commented that she thought Mr. Oliver’s point was well-taken and that it made a lot of sense to her that the word conceptual be added to items B4 and B10 of Exhibit “A”. She also stated that she is curious to see whether or not the Commission will want to have a typical elevation or a proposed elevation as part of this ordinance to get a sense of the project. Chairman Pinion suggested that under Item B of Exhibit “A” on page 2, that language be included to provide some latitude to the Community Development Director so that he is given discretionary authority for all of the items under Section B on pages 2 and 3. PM Rowe stated that there are several things that get accomplished with the wording as it is. One, it gives you a very clear understanding of what it is that you are about to apply vesting rights to; and secondly, if this level of detail is something that an applicant is not prepared with or not willing to provide at that point, he can proceed with a map application without the word “vesting” on the map. PM Rowe further stated that experience with the communities that have this provision is that they very rarely get vesting map labeled on non-residential subdivisions. Therefore, he added, it discourages one from filing vesting maps for non-residential tentative map approvals, which works in the favor of the City’s best interest, and if there is too much latitude given, then it works contrary to the intent of the Subdivision Ordinance

Commissioner Mueller stated that if the Commission adopt this ordinance as it is, they will find out very quickly if there are any problems, and if it turns out to be an issue they can always come back and change it. Commissioner Ridner agreed with Commissioner Mueller’s comments. Commissioner Lyle asked PM Rowe how he felt about Mr. Oliver’s suggestion and comments regarding the requirement for conceptual architectural and landscape plans. PM Rowe responded that he was okay with that change. Commissioner Mueller stated that he understood the point being made by Mr. Oliver, but his concern was still with the time line of some of the developments. He said that if you do a vesting map and you only have conceptual plans, you then are going to get into a long discussion about what things are in agreement, and yet you’ve already applied a vesting. Commissioner Mueller added that at this point, the City may be handcuffed and this could potentially result into other issues. He continued by stating that the Commission’s ability to alter things after that becomes that more difficult, and to have a lot of conceptual information when you do that worries him,

especially when it is open-ended on the time frame. He stated that he also felt that the way the ordinance is worded discourages vesting tentative maps for non-residential subdivisions, and agreed with PM Rowe that the wording is currently in the best interest of the City, and that at this time he is in favor of cautioning on the side of the City.

**COMMISSIONERS MUELLER/MCMAHON MOTIONED TO APPROVE RESOLUTION NO. 00-28, WITH THE BROADENING OF ITEM #B6 TO REFERENCE THE ENVIRONMENTAL ANALYSIS TO INCLUDE, BUT NOT LIMIT IT TO, BURROWING OWLS; AND THE ADDITION OF AN ITEM #15 UNDER SECTION B WITH LANGUAGE THAT INDICATES THAT THE FILING SHOULD INCLUDE A SIGNAGE PROGRAM. THE MOTION CARRIED UNANIMOUSLY.**

Staff requested to hear agenda item #10 at this time.

**OTHER BUSINESS:**

**10) REVIEW**

**DRAFT FY 2000-01**

**THRU FY 2004-05**

**CIP REPORT**

SE Machida reviewed each of the recent changes that were made to the CIP Report with the Commissioners, and responded to their questions during the process. He requested the Commission to adopt Resolution No. 00-24, which accompanied the CIP Report. He further stated that if the Commission did not feel comfortable with taking action due to the amount of changes that were made to the report, that the item could be returned before them at their May 23rd meeting date. Commissioner Ridner strongly recommended that the item be continued to their May 23rd meeting date. He stated that when he reviewed the report that he could not tell where the priorities were in terms of funding, and that he noticed that within the context of the report that there were a number of studies; however, he did not see any contingency funds placed into this budget to reflect the possible consequences of what would come out of those studies. Commissioner Ridner also expressed that his concern was, to the extent that issues were identified in all the various studies that are being funded, that if all of the funding sources are utilized, then there is no way to pay for some of the things that may have been identified and might possibly be a much higher priority item than those identified in this budget. He questioned how the Commission would be able to judge the overall nature of this budget if it is not put it in some kind of context. Commissioner Lyle stated that he had some broader concerns as to whether or not the CIP Report is consistent with the current General Plan.

The Commission requested a summary of how the priorities are set. SE Machida stated that many of the priorities will be set based on the Master Plan process, and that Staff realize that some of the priorities will have to change based on the Master Plan priorities. Commissioner Mueller clarified that the report shows as a funding source, but that it does not show how much monies are in that fund and that all of the RDA monies are not being spent in this Capital Improvement Program. He also explained that the CIP Report is a rolling document, so what the Commission is really looking at is the next Fiscal Year of 2000-01. SE Machida and PM Rowe responded to further questions from the Commission.

It was the consensus of the Commission that the CIP Report be returned before them at their May 23rd meeting date, and that they wished at tonight's meeting to provide SE Machida with questions and issues to be addressed at the May 23<sup>rd</sup> meeting.

Commissioner Mueller requested that a caveat be included in the Report for those projects, such as the soccer complex, that will be very site specific, but do not currently have a location identified. He suggested wording to read: "We find the CIP Report to be consistent with the current General Plan subject to an appropriate location." He said that by including such language, the project can be approved as being consistent with the General Plan, but the location will need to be returned before the Commission once the site is identified to ensure that the site is also consistent with the General Plan.

Commissioner Lyle expressed concern that nothing is shown with respect to another fire station, because he firmly believes that public safety is going to be jeopardized without a third fire station, noting two things that come to mind being the number of personnel, and response time for medical emergencies. He stated that even though he is in favor of recreation, that he does not believe in recreation at the expense of public safety, which it appears to be in this plan.

ICM Tewes advised the Commission that there is an ongoing effort to prepare the Fire Protection and Emergency Medical Master Plan (FPEMM Plan) which will no doubt result in recommendations for both capital expenditures and operations. He stated that the FPEMM Plan is not included in the CIP Report, similar to the circumstances of the Bicycle Master Plan, because it is not known at this time what will be spent on capital expenditures and operations. ICM Tewes further stated that the City Council adopted a two-year budget, and that in the second year of that budget they proposed that \$1 million be set aside for the purpose of implementing the "to be developed" FPEMM Plan, and that will be included in the operating budget recommendations. He said that the FPEMM Plan will indicate that at a certain point in time that we may need additional staff, additional equipment, and an additional station. ICM Tewes added that technology, response and the organizational approach of how fire and life safety is being delivered is changing and recommendations will come from the FPEMM Plan.

Commissioner Lyle stated that he also had some concern with what impact the projects indicated in the CIP Report will have on the General Fund, as the new economic report for the next ten years shows that it is slowly deteriorating, and that is without the effect of any of the projects indicated in the CIP Report, none of which he believes are moneymakers.

Commissioner Sullivan noted that on page 15 of the CIP Report it is indicated that the Youth Center may be combined with the Senior Center project, but that it does not reflect any funds being moved forward. She stated that it seemed that if it is one project that it needs to be compacted into one year. SE Machida stated that a separate property acquisition notation is not shown because the Youth Center will fall within the same 10,000 sq. ft. of the overall project. Chairman Pinion commented that he had a concern that some of the projects are not being planned well enough in advance to get the most economy out of our expenditures. Commissioner Mueller commented that he felt, in terms of effectively using the water in the City of Morgan Hill with the proposed

soccer field complex, a sports complex and with the landscaping in the City, that the incorporation of a gray water line would be very sensible when you look at the amount of money that is being spent to run a new sewer trunk line all the way to Gilroy. Chairman Pinion expressed that he was somewhat concerned with the new sewer line being sized adequately to ensure that it has available capacity until the old sewer trunk line is replaced.

Commissioner Lyle commented that the information indicated for the streets and roads was good, but that he did not feel that it was sufficient enough to meet the current City streets situation needs. He stated that the Tennant widening is 2 years offset from the Butterfield completion to Tennant and that he thinks that those two projects should be coincidental or moved much closer together, because as soon as Butterfield is brought down to Tennant that a bottleneck will occur in that section. Commissioner Lyle further stated that he felt that the Tennant overcrossing needs to be four lanes, or at least have the northbound on-ramp loop added to it, and that there are several other potential street and road improvements, such as Butterfield down to Watsonville, the Murphy extension, and the Monterey to Hale connection, that are not addressed in this plan. He thinks that somehow they need to find the money to do more street and road improvements.

Commissioner McMahon shared that the General Plan Task Force Update Committee recently has been assigned a new traffic study because there has been some surprises with some of the statistical information regarding the level of service that they were originally operating under. She stated that the surprises are negative surprises and that the level of services are worst in some of the following critical areas than what they had expected: 1) The Butterfield intersection; 2) Dunne Avenue; 3) Tennant along the Butterfield line; and 4) The left-hand turns from Monterey to Cochrane, from Butterfield to Tennant, and from Butterfield to Dunne Avenue. Commissioner McMahon said that this is a real concern of hers and that she also agreed that a real focus needs to be placed on the streets and roads portion of the CIP budget. She added that there may need to be some significant changes on the allocation and the year those improvements need to be completed.

Commissioner Sullivan stated that she echoed the comments regarding the need for more money to be put towards the streets and roads, because they will become a priority much faster than what people think, and that it seems that it is only a small piece of the pie at this time. She added that it really will not matter if we have a new aquatic center, senior center, or youth center if there is no way to get there. Commissioner Sullivan further stated that even at the cost of not providing some of the facilities that we may want for our community, we have to start putting some money towards those streets and roads now, and start addressing those pieces as they come about.

Commissioner Lyle stated that on some of the streets and roads projects, like the Tennant overcrossing, there is an opportunity for State funds and that the sooner we get in line for these funds, the more opportunity we will have to get them, and at this time it is not in the five-year plan. He said that if it were placed in the plan and we started to push for those funds now, we might be able to get financial assistance.

Commissioner Ridner stated that the discussion of priorities is not only a funding issue, but also a resources issue because we only have a fixed amount of staff, and at some point someone is going to have to stand up and say that this is the capacity that staff has to accomplish a certain amount of goals within a fiscal year. He continued by saying that when you start hearing about things like the traffic and infrastructure issues, which are fundamental issues that are more critical than an aquatic center or a soccer field, that he has a real concern that sight is not lost of that in the context of this overall plan. He also commented that the Commission not only need to see how the sourcing of the funding is, but also how the resources are going to be applied within the City in order to accomplish these projects.

Chairman Pinion commented on the issue of flood control also needing to be given higher priority, as it keeps getting pushed back and that it has a very low funding level. He stated that he felt that some of the RDA monies should go towards flood control.

SE Machida stated that the Commission had provided very good comments; however, offered a word of caution that typically the Street Fund does not generate as much as they would hope as with many of the other programs. Commissioner Mueller commented on the signalization problems at Main and Condit, and the off-ramp and on-ramp at Tennant. SE Machida stated that both City and County Staff have applied for a grant through CalTrans for the Main Avenue-Condit signalization, and that hopes are that funding and construction will occur sometime this year. Commissioner Ridner suggested that the Commission hold a working session to further discuss the CIP Report prior to the next Commission meeting.

**COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO CONTINUE THIS ITEM TO THE MAY 23, 2000 COMMISSION MEETING DATE, AND TO ALSO HOLD A WORKSHOP REGARDING THE CAPITAL IMPROVEMENT REPORT AT 6 PM ON MAY 23, 2000. THE MOTION CARRIED UNANIMOUSLY.**

**9) RDCS  
QUARTERLY  
REPORT**

PM Rowe presented the staff report. Commission discussion ensued.

**COMMISSIONER MUELLER MOVED AND CHAIRMAN PINION SECONDED THE MOTION TO APPROVE THE QUARTERLY REPORT BY MINUTE ACTION. THE MOTION CARRIED UNANIMOUSLY.**

**ANNOUNCEMENTS:**

PM Rowe advised the Commission that there will be community workshops held for the proposed Community and Cultural Center on Thursday, May 11, 2000 at 7 p.m. in the City Council Chambers, and on Saturday, June 13, 2000 at Noon at the Morgan Hill Grange. The Commissioners were invited to attend.

**ADJOURNMENT:** There being no further business, Chairman Pinion adjourned the meeting at 10:18 p.m.

PLANNING COMMISSION MINUTES

MAY 9, 2000

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**MINUTES RECORDED AND PREPARED BY:**

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**FRANCES O. SMITH**

**Administrative Secretary**